

PRIORITY

(Security Classification)

FOREIGN SERVICE DESPATCH

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FROM : American Embassy, TEHRAN

DESP. NO.

September 30, 1959

TO : THE DEPARTMENT OF STATE, WASHINGTON.

DATE

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SUBJECT: Iran-Iraq Boundary Dispute -- Diversion of Rivers Flowing into Iraq.

Summary

Iranian irrigation authorities, acting under the direction of the Ministry of Agriculture and with the concurrence and apparent encouragement of the Ministry of Foreign Affairs, have planned and are proceeding with the construction of several river diversion projects in the Kermanshah Ostan border area. Each of these projects will reduce the normal flow of water into Iraq. One project, already completed at Qasr-i-Shirin on the Alwand River, has affected the Khanaqin area and the Iraqi Government has protested. Other projects are reported to be under construction at or near Mehren (Kunian Cham River), Sumer (Gangir River), and Gilan (Gilan River, which flows into the Alwand within Iran).

Iranian officials justify these projects on the grounds that additional water is needed to supply and hold the Iranian border area population and improve conditions in a region which was depopulated during World War I and wherein irrigation dams and canals have since deteriorated. A Foreign Ministry official declared to officers of the Embassy that Iran has every right to utilize the waters within its own borders for this purpose and has stated that Iran should develop its potential for water diversion to the point where Iraq could be forced to come to terms and negotiate a settlement of the Shatt-al-Arab issue.

Iraq has delivered a note protesting Iran's action in diminishing the flow of water across the border and has claimed that the Iranian action violates the Sumer Protocol. It appears that this protocol is an agreement arrived at prior to or in connection with the proceedings of the Boundary Delimitation Commission of 1914, the Minutes of which were validated by the Boundary Treaty between Iraq and Iran of 1937. The Sumer Protocol has been described from the Iranian point of view as being applicable only to the division of waters which actually arrive at and form a part of the boundary.

Iran has replied to the recent note, rejecting the Iraqi protest on the grounds that there is no agreement which limits the use of water in any river within Iran prior to its flow to or across the border. The Iranian Government is declared to be entirely willing to negotiate boundary questions with Iraq and is particularly desirous of arriving at a settlement of the Shatt-al-Arab dispute. In the opinion of the Foreign Ministry official with whom this matter was discussed, Iraq is not seriously disposed to settle this issue.

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In the Embassy's view, Iran is likely to proceed with its plans for further river diversion in the border area but will adjust the amount of water diverted to correspond with actual consumption requirements (which are unlikely to be excessive), provided that there is some new indication of Iraqi willingness to ameliorate Iran's grievances in the Shatt-al-Arab dispute, the present status of which Iranians regard as intolerable.

American officials have not been involved in the planning or construction of water diversion projects affecting the border area.

Background

Early in August 1959, the Embassy received information that Iran was diverting substantial amounts of water from one or more rivers which flow into Iraq. Particular mention was made of the Alwand River and a dam or weir located near Qasr-i-Shirin, opposite Khanqin.

An inquiry made at the Foreign Ministry failed to confirm the foregoing report but did elicit information that the Government planned and had under construction several canal and small dam projects designed to increase Iran's supply of irrigation water in the border region, and provide Iran at the same time with the capability of diverting a considerable proportion of water from the normal flow to Iraq, so as to create pressure for a settlement of outstanding issues in the Shatt-al-Arab dispute.

The Foreign Ministry official with whom this matter was discussed declared that he was not personally informed as to the extent and progress of these projects but stated that he had strongly recommended a specific program of border area water diversion to the Ministry of Agriculture approximately one year ago, arguing that construction need not be costly, that Iranian rather than Iraqi farmers should benefit most from the availability of a considerable number of rivers and streams which rise in Iran and flow into Iraq, and lastly, that Iran should develop its potential for water diversion to the point where Iraq could be forced to come to terms on the Shatt-al-Arab.

Tentative Location of Border Irrigation/Diversion Dams

The following places were mentioned as having been under study in connection with this proposal: Qasr-i-Shirin, Sumar, Gilan and Haft-e-Siah.

The rivers associated with these place names are located in the western-most part of Kermanshah Ostan, and flow into Iraq as follows:

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(Map references pertain to Army Map Service - Quarter Inch Series, Iran and Iran-Iraq. For single sheet coverage see Asia: 1:1,000,000 Baghdad AMS 3 North I-38).

(1) Qasr-i-Shirin -- the Alwand River flows south from Qasr-i-Shirin, then west across the border to Khanagiq, in Iraq. (AMS Quarter Inch No. I-38 J).

(2) Sumar -- the Gangir River flows south from Sumar and crosses the border above the Iraqi town of Mandali. (AMS Quarter Inch No. I-38 P).

(3) Gilan -- The Gilan River flows north to join the Alwand (within Iran), east of Khanagiq. (AMS Quarter Inch No. I-38 J).

(4) Naft Shah -- the Ab-i-Naft is a stream which follows and forms a part of the border southeast of Khanagiq, until it flows entirely into Iraq at the town of Naft Khaneh. This stream or river is fed within Iran by a number of tributaries, particularly from the parallel valley of the Cham-i-Kanagau Rush. (AMS Quarter Inch Nos. I-38 J and I-38 P).

Comment by the Minister of Agriculture

Information obtained concurrently from an official in the Ministry of Agriculture confirmed the general existence of new dam and canal construction in the Kermanshah Ostan border area. In the same conversation it was also learned that when the Prime Minister visited this area in mid-June, in company with the Minister of Agriculture, definite instructions were issued locally against diverting more than a certain (unspecified as reported, but presumably not excessive) proportion or amount of water, and that the Prime Minister had insisted upon good relations on this point with the neighboring area of Iraq.

A review of historical and long-range political factors which influence Iran's position in this matter were later explained to a USOM official who meets regularly with Major General Hassan AKHAYI, the Minister of Agriculture.

General Akhavi's remarks included comment on the activity of Irrigation Bongah representatives in diverting water from two rivers which flow into Iraq, one near Khanagiq, and the other in the vicinity of "Eham Fhrhim" (location undetermined).

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The Minister's further comments on this subject were reported to the Embassy as follows:

"Before World War I the Iranians had several villages along the Iraq border which were well developed from an agricultural standpoint and irrigated from these streams by various means, principally diversion canals. During the conflict, which seems to have been fairly concentrated in that area, these villagers were forced to abandon their homes and their farms and flee to the East. During the period of time of the abandonment of these villages the canals were not maintained, they more or less filled up and consequently a greater amount of water began to flow into Iraq. Then, subsequently, the Iraqis took advantage of this situation and expanded their farming operations, making greater use of this source of water. During recent years these families began to resettle the area from which they were driven and began rebuilding the structures and canals which existed in earlier times. General Akhavi stated the policy of Iran is to stabilize these border villages and naturally this includes providing for a water supply. It is very necessary to convince these border villages that Iran is prepared to assist them in their aspirations to settle themselves. The Government wishes to stabilize the border population. General Akhavi further added that Iraq is openly charging the Iranians with diverting a greater amount of this water to Iranian soil than they are entitled to and that Americans are giving them encouragement and assistance. From General Akhavi's attitude I got the impression this did not disturb him particularly and that they expect to proceed with their plans."

Report from Baghdad

A report from the American Embassy at Baghdad on August 20 informed the Department of Iranian interference with the normal supply of water to the Iraqi border town of Khanaqin, and of a local protest to Iranian authorities which was without result. The Helwan River mentioned in Baghdad's report is presumed identical with the Alwand River, which flows from the Helwan valley (Cham-i-Helwan) east of Qasr-i-Shirin. (AMS Quarter Inch No. I-38 J).

Information furnished with Baghdad's report indicated that the dry season flow of the foregoing river at Khanaqin is normally not less than five cubic meters per/second, and that this flow had been cut to second

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about one tenth normal by the weir constructed in Iran. As a result, there had been consultation on the possibility of digging wells to provide an emergency supply of water in the Khanaqin area.

Iraqi Comment in Tehran

The water diversion affecting Khanaqin was mentioned subsequently in a conversation which took place between an officer of this Embassy and Abdul Jabbar HADDAMI, Second Secretary of the Iraqi Embassy at Tehran. Mr. Haddami remarked that this diversion would be only temporarily inconvenient to Iraq because the waters of the Diyala River would eventually be utilized in the Khanaqin area.

Commenting on a rumor which appeared in the Tehran daily news bulletin, "The Echo of Iran," (August 15, 1959), Haddami denied that his Ambassador (Hussain JAMIL) was at all upset by the Alwand River diversion and declared that as yet his Embassy had had no repercussions from Iraq. He added that they gave no great importance nor significance to this development, remarking that border problems arose periodically. He stated that they were inclined to believe that this particular problem could be solved by Iraq and Iran getting together and discussing this matter in the light of agreements already in force.

USOM Resume of Iranian Border Irrigation Activities

On August 25, USOM/Iran provided the Embassy with a resume of information available concerning Iranian irrigation activities along the Iran-Iraq border. According to this report, an irrigation reconnaissance group, consisting of five officials from the Irrigation Bongah (semi-independent bureau under Ministry of Agriculture), and one FAO expert, made a preliminary survey of irrigation possibilities in the Kermanshah and Kurdistan areas during July of 1958 and prepared a report embodying definite recommendations as to what should be done in different areas.

The status and location of projects described in the USOM resume are quoted as follows:

"Mahidasht"

This is a wide fertile plain west of Kermanshah. All of the available surface water is now used and a group of Irrigation Bongah engineers (Iranian) are there now to study the possibilities of developing the underground waters.

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Dasht-e-Zohab

This is another fertile plain along the Alwand River. Another team from the Irrigation Bongah (Iranian) has gone there within the past two or three weeks to study the possibility of developing the ground water or of diverting water from the Alwand River.

Qasr-i-Shirin

A diversion dam and a four-meter canal were constructed by the Irrigation Bongah from 1954 to 1958 and these were put into operation in 1958. It was the original plan that this canal would extend through a number of tunnels and continue over the 24 KM from Qasr-i-Shirin to Masravi, irrigating some 1000 to 2000 hectares along the way and supplying drinking water to that village. Later investigations did not find suitable land to irrigate and it was decided that approximately one cubic meter of water would be used for city water supply and irrigation around Qasr-i-Shirin. The remainder 3 M3 + would be used to generate electricity for the city after which the water will continue on into Iraq. The flow of the Alwand River at this point is estimated at from 40 to 50 M3 during the spring and around 5 M3 in summer and the fall months.

Dasht Mahran

There is a diversion dam and a tunnel now being built to use the water of the Kunjan Cham River for irrigation in a valley near Mahran. Mr. Thompson served as an adviser to the committee who considered the investigations made of this area and refused to sign the report because he felt that the project was not economically justified. This opinion was also reported by Engineer Nassari of the Irrigation Bongah."

The Mahidasht is located along the Kermanshah-Khanagah road. This area is relatively distant from the Iraqi border. (AMS Quarter Inch No. I-38 K).

The Dasht-e-Kuhab is east of Qasr-i-Shirin and may be located from the intersection of the Alwand River and the Kermanshah-Khanagah road. (AMS Quarter Inch No. I-38 J).

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The town of Mehran is located at the Iraqi border, east of Badra. The Kuniam Cham River forms a part of the boundary before flowing east from Mehran to Badra. (AMS Quarter Inch No. I-38 Q).

US Government Not Involved in Water Diversion Projects

According to the USOM sources who provided the foregoing information, all of the projects being developed in the Iran-Iraq border area are under the auspices of the Plan Organization and/or the Irrigation Bongah. USOM personnel, except for the advisement mentioned above in connection with the Dasht-e-Mehran survey, have not entered into these projects in any manner. Mr. Thompson, referred to above, is T.R. Thompson, Head, Water Resources Branch, Agriculture and Natural Resources Division, USOM/Iran. He has informed the Embassy that while USOM/I project advisors have occasion to visit the Kermanshah-Sanandaj estans in response to requests for advice on specific water problems, none of these activities has been a project in the sense of affecting a river system, and none of these advisors have been called upon to participate in planning the physical diversion of waters flowing into Iraq.

Dr. O.T. Osgood, Land Use and Farm Management Expert of the FAO staff in Iran, is the only American known to have visited the Kermanshah and Kurdistan border areas in connection with irrigation projects. Dr. Osgood was the FAO member of the survey team mentioned previously as having investigated various irrigation possibilities in the border region.

Formal Protest by Government of Iraq

Recently the Embassy learned that the Government of Iraq has now taken notice of the apparent seriousness of this matter; consequently, it has delivered a note of protest to the Iranian Government.

On September 19, Soltan Hosein SANANDAJI, Acting Chief of the First Political Division, Ministry of Foreign Affairs, confirmed receipt of the Iraqi note and declared that the gist of its content was a protest against Iran's unilateral action in diverting and diminishing the flow of waters which normally cross the border into Iraq. The note was said to have declared that this activity was a violation of the Sumar Protocol, described to the reporting officer as referring to a boundary line protocol agreed upon by Iran and the Ottoman Empire, and revalidated by the boundary treaty of 1937 (Boundary Treaty between Iraq and Iran, July 4, 1937).

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According to Mr. Sanandaji's explanation, the "Sumar Protocol" is recognized by Iran and provides for a division of waters which form a part of the boundary. The Protocol was further described as an agreement which followed from the findings of a boundary commission which included representatives of Great Britain and Russia.

Iranian Reply to Iraqi Note

Iran has replied to the Iraqi note and is stated to have rejected the Iraqi protest on the grounds that Iran is entitled to use any amount of water originating within Iran prior to the arrival of such water at the border. According to Mr. Sanandaji, international law and custom upholds Iran's right to utilize its own water resources to the fullest extent, in the absence of any agreement to the contrary. He declared that the Sumar Protocol refers only to the division of waters which form a part of the boundary and is applicable only to such water as reaches that boundary. He added that there are other boundary protocols and agreements under the treaty (of 1937) which could be cited in addition or in contrast to the Sumar Protocol, and declared that none of these places any restriction on the amount of water which Iran may use for any purpose within its own borders.

Mr. Sanandaji added that the Iranian position is that the Government is completely willing to negotiate boundary questions with Iraq, and is especially anxious to settle the Shatt-al-Arab issue. He said a settlement of the latter question would make it possible for both countries to negotiate agreements on other matters of mutual benefit.

Replying to a question on the present status of the preliminaries to such negotiation, Mr. Sanandaji remarked that thus far the Iraqis have not shown any real indication that they are disposed to negotiate seriously on the question of the Shatt-al-Arab.

Further Identification of Iranian Border Irrigation Projects

A total of four projects were positively identified by Mr. Sanandaji in response to a question about the number and location of Iran's border irrigation dams which have or soon will diminish the normal flow of water into Iraq. The places and/or rivers named were: Qasr-i-Shirin, Sumar, Gilan and Kuniyam Cham, each of which has been previously identified in this despatch.

Boundary Protocols Applicable to This Dispute

It appears that the Sumar Protocol is an agreement arrived at pursuant to the following stipulation in Article I of the Protocol of Constantinople of 1913:

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"The Delimitation Commission shall draw up a special agreement for the distribution of the Gengir (Samar) waters between the parties concerned."

The Delimitation Commission referred to was previously agreed upon in the Tehran Protocol of 1911, which provided for a Joint Commission for delimitation of the frontier, working on the basis of the Treaty of Erzurum of 1847 (Articles I-III). The Tehran Protocol also made provision for a technical commission "to apply the definite delimitation of the spot." (Article II).

Copies of the foregoing documents, printed in the Official Journal of the League of Nations, February 1935, were received recently from the Department. The Samar Protocol is not available with these documents, nor among the records of this Embassy. It is hoped that this document will be included with copies of the proceedings of the Turco-Persian Boundary Delimitation Commission of 1914, which the Department has requested from the archives of the League of Nations at Geneva. The Minutes of the foregoing Boundary Commission, and the Protocol of Constantinople of 1913, were validated by the Boundary Treaty between Iraq and Iran, signed July 4, 1937 (Article 1).

Appendix D of a letter from the Government of Iraq to the Secretary-General of the League of Nations dated November 29, 1934 (printed in the aforementioned Journal of the League of Nations, February 1935) outlines the course of an earlier dispute (1931-1934) over the division of the waters of the Kuniam Cham (Gunjam Cham) which is pertinent to the diversion project now under construction near Mehran.

The correspondence which is quoted in connection with the above dispute includes mention of the Gengir River, with which the Samar Protocol is tentatively identified. (Cf. Note from Persian Legation to Iraqi Ministry of Foreign Affairs, September 20, 1931).

COMMENT

The period during which an Irrigation Bongah survey team visited the Kermanshah and Kurdistan border area corresponds approximately with the time at which the Foreign Ministry is reported to have made its recommendations to the Ministry of Agriculture.

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Although reservations have been expressed regarding the economic justification and agricultural practicability of these border area irrigation schemes, these are not large construction projects and increased consumption requirements on the Iranian side will depend upon the extent of resettlement in each area. Any diminution of the the water flow, however, will have a very serious dry season effect on villages across the boundary, where full utilization of the flow of recent years must be assumed.

Whether or not Iran diverts water in excess of actual requirements seems to depend upon Iraq's response to the proposals reported to have been included in a note delivered by the Iranian Ambassador in Baghdad on July 21, 1959, with particular emphasis on the naming of a joint commission regarding the use of the Shatt-al-Arab and the granting of permission for reasonable use of the Al-Jroabad port facilities.

In any event, the Iranian Government is expected to proceed with its plans for building further river diversion projects, partly because of the conclusion that improvements, including the development of water resources, are needed to stabilize conditions in the Kermanshah border area, and partly because of the conviction, perhaps shared less extensively, that Iraq will not willingly negotiate any change in the status of Shatt-al-Arab control and must be subjected to pressure elsewhere along the boundary which will force the discussion of an over-all settlement.

It is perhaps ironic that Iran has chosen this time to construct diversion dams on or near the Iraqi border because at the same time the Government is endeavoring to settle the Helmand dispute with Afghanistan. This is symptomatic of the inconsistencies which characterize the Persian scene. If one follows Mr. Sanandaji's rationalization, the Iranians can hardly complain about the diversion dam currently under consideration by the Afghans.

A more prudent attitude was shown earlier this year when the Government considered the implications of a unilateral water diversion policy vis-a-vis Iraq and Afghanistan and modified its bill extending Iranian territorial waters by deleting a clause which set forth Iranian ownership of the waters of all rivers rising in Iran, from their source to the border or sea. (Emb. Des. 525, January 31, 1959.)

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ACTION REQUESTED

The Department is requested to obtain copies of the Sumar Protocol described in this despatch, in the event this document is not received with the records already requested from the archives of the League of Nations (CA 1990, August 28, 1959).

FOR THE AMBASSADOR:

Robert R. Schott
Second Secretary of Embassy

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